

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

<p>CODY RAY CASKEY,</p> <p>Plaintiff,</p> <p>vs.</p> <p>SOUTH DAKOTA STATE PENITENTIARY, SOUTH DAKOTA DEPARTMENT OF HEALTH, DR. EUGENE REGIER, in his individual capacity; RYAN MANSON, CNP, in his individual capacity; DARIN YOUNG, in his individual and official capacities; JUSTIN ELKINS, in his individual and official capacities; KAYLA THEILAN, in his individual and official capacities; JANE DOES, in his individual and official capacities; JOHN DOES, in his individual and official capacities; DENNIS LAUSENG,</p> <p>Defendants.</p>	<p>4:14-CV-04010-KES</p> <p>ORDER ADOPTING REPORT AND RECOMMENDATION, GRANTING IN PART AND DENYING IN PART MOTION FOR SUMMARY JUDGMENT, AND GRANTING MOTION TO APPOINT COUNSEL</p>
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Plaintiff, Cody Ray Caskey, filed this lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to Magistrate Judge Veronica L. Duffy for a recommended disposition pursuant to 28 U.S.C. § 636(b)(1)(B) and this court's October 16, 2014, standing order.

All defendants moved for summary judgment. Docket 53; Docket 57. Magistrate Judge Duffy submitted her report recommending that this court grant summary judgment to all defendants except Dennis Lauseng. Docket 69. Magistrate Judge Duffy also recommends that this court appoint counsel for Caskey. *Id.* Caskey was notified in the report and recommendation that he had 14 days to file objections to the report. Even though no objections were filed that would require de novo review under *Thompson v. Nix*, 897 F.2d 356 (8th Cir. 1990), the court reviewed the matter de novo and adopts the report and recommendation in full. Accordingly, it is ORDERED

1. Magistrate Judge Duffy's report and recommendation (Docket 69) is adopted in full.
2. Defendants Regier, Manson, Young, Elkings, Theilan, Jane Does, John Does, the South Dakota State Penitentiary, and the South Dakota Department of Health's motion for summary judgment (Docket 57) is granted. These defendants are dismissed.
3. Defendant Lauseng's motion for summary judgment (Docket 53) is denied.
4. Caskey's motion to appoint counsel (Docket 74) is granted. The court will appoint counsel by separate order.

Dated November 19, 2015.

BY THE COURT:

/s/ Karen E. Schreier

KAREN E. SCHREIER
UNITED STATES DISTRICT JUDGE